

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Allegations of corruption against officials of the Integrated Check Post, B.V. Palem, Tada Mandal, Nellore District - Surprise Check conducted by the ACB authorities on 26.2.2001 - Common departmental proceedings under Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 - Instituted - Article of Charges framed - Enquiry Officer appointed - Enquiry Report furnished - Show Cause Notice Issued - Written Statement of Defence's submitted - Imposition of punishment on certain officials - Orders - Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No. 1434

Dated:2.12.2011.

Read the following:

1. G.O. (Rt.) No.2490, Revenue (Vig.I) Department, dt.16.12.2005.
2. G.O. (Rt.) No.2495, 2498 and 2499, Revenue Vig.I) Department, dt.16.12.2005.
3. From the Commissioner of Commercial Taxes, AP., Hyderabad, Ref.V2/1590/2005, dt.27.03.2008.
4. Govt. Memo No.72215/Vig.I(2)/2001-16, dt.05.01.2009.
5. CCT's Ref. No.V2/1590/2005-I & II, dt.18.02.2009.
6. CCT's Ref.No.JC (CT) Peshi/8, dt.07.11.2009.
7. Govt. Memo No.72215/Vig.I(2)/2001-16, dt.05.05.2011.
8. WSD's of Sri M. Ramalinga Sastry, formerly DCTO (Retired), Sri Y.Yesudas and Sri Ch.Tirupathi Naidu, formerly Junior Inspectors (Retd.)

ORDER:

In the reference 1st read above, Common Departmental Proceedings were initiated against the staff of Commercial Taxes Department and Prohibition & Excise Department who were working in the Integrated Check Post, B.V. Palem, Tada Mandal, Nellore District, on the day of surprise check conducted on 26.02.2001 by the Anti Corruption Bureau and who were alleged to have indulged in corrupt practices, i.e., collection of mamools.

2) And whereas, in the reference 2nd read above, Charges have been framed against Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired), Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired) on the allegation that they were found unauthorizedly absent from their legitimate duties at the ICP from 8-40 AM to 1-00 PM on 26.02.2001 and violated the provisions of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

3) And whereas, in the reference 3rd read above, the Commissioner of Commercial Taxes has furnished the explanations/served copies of the Charged Officers to the Government and requested to appoint the Inquiry Officer and Presenting Officer for inquiry in common proceedings under Rule 24 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

4) And whereas, in the reference 4th read above, Government have requested the Commissioner of Commercial Taxes, AP., Hyderabad to appoint a Joint Commissioner (Commercial Taxes) level officer as Inquiring Authority to conduct a detailed enquiry on the charges framed against the officials, to appoint one of the Assistant Commissioners as Presenting Officer and request that the Inquiry Authority should furnish the Enquiry Report to Government within three months from the date of appointment of Inquiring Authority for taking further action in the matter.

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5) And whereas, in the reference 5th read above, the Commissioner of Commercial Taxes, AP., Hyderabad appointed Sri M. Pampapathi, formerly Joint Commissioner (Commercial Taxes) (Audit-I) and presently Additional Commissioner (Commercial Taxes) (AUDIT), O/o. the Commissioner of Commercial Taxes, Hyderabad as Inquiry Officer and Sri P. Prem Kumar, Assistant Commissioner (Commercial Taxes) (Vig), O/o. Commissioner of Commercial Taxes, Hyderabad as Presenting Officer to inquire into the charges framed against the Charged Officers.

6) And whereas, in the reference 6th read above, the Inquiry Officer has furnished his Enquiry Report along with the findings in respect of each Charged Officer for taking further action in the matter. The Inquiry Officer has found that the charge framed against Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired), Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired) for unauthorized absence from legitimate duties are held proved, since they had not furnished any evidence or satisfactory proof in support of their statements filed.

7) And whereas, in the reference 7th read above, a Show Cause Notice was issued to the Delinquent Officers' viz., Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired), Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired) duly directing them to submit their representations, if any, as to why a punishment of lumpsum cut in gratuity equivalent in amount to last annual increment should not be imposed against them for their unauthorized absence from Government duties, since they had not furnished any evidence or satisfactory proof in support of their statements filed.

8) And whereas, in the reference 8th read above, the three Delinquent Officers have submitted their explanations. Sri Ch. Tirupathi Naidu, Junior Assistant(Retd.) has submitted that he is willing for the punishment and he has no objection or submission and requested to release his pensionary benefits. Sri M. Ramalinga Sastry, formerly Deputy Commercial Tax Officer (Retired) has represented that the alleged charge is a wholly technical objection and his absence was supported with paper token No. 321 issued by the S.T.O office, Sullurpeta and the same was produced before the enquiry officer but he has not taken into consideration. The present show cause memo indicating a punishment is nothing but illegal and contrary to the various judicial pronouncements and rules and the alleged charge is not pertaining to any financial issue, or any loss caused to the Government and requested to drop further action in the matter. Sri Y.Yesudas, Junior Inspector (Retired) has represented that he had sent a casual leave letter through Sri P. Rajamani, Attender, Integrated Check post, B.V. Palem, well in the advance to the duty Assistant Commercial Tax Officer Sri S. Anjaneyulu and the same was handed over to him one day in advance i.e., on dt.25.2.2001 and requested to drop further action in the matter, sympathetically.

9) Government have examined the Written Statement of Defenses of Delinquent Officers and observe that the explanations of Sri M. Ramalinga Sastry, formerly Deputy Commercial Tax Officer (Retired) and Sri Y.Yesudas, Junior Inspector is nothing but reiteration of the explanations deposed before the Enquiry Officer and the indication of punishment is in accordance with rule 8 of A.P. Revised Pension Rules, 1980 and accordingly, decided to confirm the provisional decision i.e., to impose the punishment of lumpsum cut in gratuity equivalent in amount to last annual increment against Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired), Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired); under rule 9 of A.P. Revised Pension Rules, 1980 for their unauthorized absence from Government duties which has been held proved, since they had not furnished any evidence or satisfactory proof in support of their statements filed.

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10) Now, therefore, in exercise of the powers conferred under rule 9 of A.P. Revised Pension Rules, 1980 read with rule 20 and 24 of the A.P. Civil Services (CCA) Rules, 1991, Government hereby impose the punishment of lumpsum cut in gratuity equivalent in amount to the last annual increment against Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired), Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired).

11) The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri M. Ramalinga Sastry, Deputy Commercial Tax Officer (Retired),
Sri Y. Yesudas and Sri Ch.Tirupathi Naidu, Junior Inspectors (Retired)
(Thro: the Commissioner of Commercial Taxes, AP., Hyderabad)
The Commissioner of Commercial Taxes, A.P., Hyderabad.
Copy to
The District Treasury Officer, Kadapa District.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
The Revenue (CT.I) Department.
SF/SCs.

//Forwarded :: By Order //

SECTION OFFICER.